

Customer No. 24498
Ser. No. 10/566,875
Response to OA dtd 11/10/2009

Internal Docket No. PA030018

Remarks/Arguments

Claims 1 – 9 are pending in the application. Claims 1 and 8 are independent.

In the present response, claims 1, 3, 5, 6, 8 and 9 are amended. The support for the claim amendment may be found in Applicants' specification, for example, page 5, lines 28 – 35. No new matter is added.

Objection to Claims

The Office Action objects to claims 1, 3, 5, 6, 8 and 9, alleging that the term "recording medium" is not defined in the specification to determine whether it falls under the statutory category or not. In the present response, Applicants replace the term "recording medium" by the term "optical disk" in the claims, and submit that the subject matter claimed in each claim clearly falls under the statutory category.

Withdrawal of the objection to claims 1, 3, 5, 6, 8 and 9 is respectfully requested.

Rejection of claims 1 – 9 under 35 U.S.C. 112

The Office Action rejects claims 1 – 9 under 35 U.S.C. 112, first paragraph, alleging that the specification fails to contain a written description of a "recording medium." In the present response, Applicants replace the term "recording medium" by the term "optical disk" in the claims, and submit that the specification, for example, page 5, lines 28 – 35, clearly contains a written description of an "optical disk."

Withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. 112 is respectfully requested.

Rejection of claims 1 – 9 under 35 U.S.C. 103(a) over Tripp et al. (US 6516337, hereinafter "Tripp") in view of Mourad et al. (US 20030135464, hereinafter "Mourad") and further in view of Wright et al. (US 20050055578, hereinafter "Wright")

Applicants submit that for at least the following reasons, claims 1 – 9 are patentable over Tripp, Mourad and Wright, either singly or in combination.

For example, claim 1, in part, requires:

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"A method implemented in an apparatus for reading from optical disks for retrieving a file system of an optical disk," and

"upon insertion of an optical disk into the apparatus, determining a signature of the optical disk by measuring features based on a data pattern stored on the optical disk, the signature including a plurality of elements."
(Emphases added)

The method disclosed by Tripp is apparently not applicable to exchangeable media, as it requires the files to be permanently present on the recording medium, i.e. the hard disk of the personal computer. Thus, Tripp does not disclose a method implemented in an apparatus for reading from optical disks. Furthermore, since Tripp does not teach or suggest the use of optical disks, Tripp's method is clearly not performed upon insertion of an optical disk into the apparatus. Therefore, Tripp fails to teach or suggest the above claimed features.

In addition, claim 1, in part, also requires:

"retrieving the associated file system indicating the physical position of the content on the optical disk from the content database if the signature is equal to a signature stored in the content database." (Emphases added)

In the Office Action, the Office alleged that Tripp, column 5, lines 9 – 29 and column 7, lines 42 – 52, discloses the above claimed features. Applicants respectfully disagree.

Applicants submit that Tripp is not concerned with retrieving the file system of a recording medium. Tripp is only interested in obtaining information about the files that are available on a recording medium, and about their logical position, i.e. the folder structure of the hard disk. Since it is the task of the operating system to match the logical position to the physical position, Tripp does not need to know the physical position of the files on the recording medium. Although Tripp discloses the pointers that specify a location or address, from the context it is apparent that "location or address" is referred to logical addresses, not to physical addresses on the hard drives of the computers attached to the network. Furthermore, Tripp does not disclose retrieving the associated file system indicating the physical position of the content on the recording

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medium from the content database. The information retrieved from the content database may include directory entries, which is not the associated file system indicating the physical position of the content on the optical disk. Therefore, Tripp also fails to teach or suggest the claimed feature: retrieving the associated file system indicating the physical position of the content on the optical disk from the content database if the signature is equal to a signature stored in the content database.

Applicants further submit that neither Mourad nor Wright discloses or even gives a hint to retrieve the associated file system indicating the physical position of the content on the optical disk, and thus Mourad and Wright fail to cure the deficiencies present in Tripp as discussed above. Therefore, claim 1 is patentable over Tripp, Mourad and Wright, either singly or in combination.

Independent claim 8, although different from claim 1, includes several similar distinguishing features as discussed above with respect to claim 1. Applicants essentially repeat the above arguments for claim 1 and apply them to claim 8, pointing out why claim 8 is patentable over Tripp, Mourad and Wright. Claims 2 – 7 and 9 respectively depend from and inherit all the respective features of either claims 1 or 8. Thus, claims 2 – 7 and 9 are patentable for at least the reason that they respectively depend from claims 1 or 8, with each claim containing further distinguishing features.

Withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. 103(a) is respectfully requested.

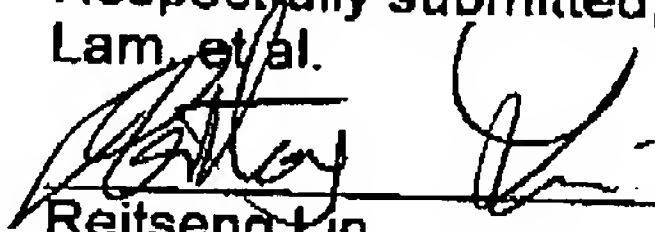
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Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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